

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

AMY MCBRIDE,	:	CIVIL ACTION NO. 1:17-CV-1268
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
LEBANON COUNTY	:	
COMMISSIONERS, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 4th day of October, 2017, upon consideration of the report (Doc. 7) of Magistrate Judge Martin C. Carlson, issued following a comprehensive review of the complaint (Doc. 1) filed by *pro se* plaintiff Amy McBride (“McBride”) pursuant to 28 U.S.C. § 1915(e)(2)(B), wherein Judge Carlson recommends that the court dismiss McBride’s complaint without leave to amend on two grounds: *first*, because McBride’s claims are time-barred by the applicable two-year statute of limitations and *second*, because McBride’s requests for injunctive relief are moot since she is no longer confined at the Lebanon County Prison, (Doc. 7 at 8-16), and the court noting that McBride filed a “response” (Doc. 9) to the report, which the court will construe as McBride’s objections thereto, see FED. R. CIV. P. 72(b)(2), and, following *de novo* review of the contested portions of the report, see Behar v. Pa. Dep’t of Transp., 791 F. Supp. 2d 383, 389 (M.D. Pa. 2011) (citing 28 U.S.C. § 636(b)(1)(C); Sample v. Diecks, 885 F.2d 1099, 1106 n.3 (3d Cir. 1989)), and applying a clear error standard of review to the uncontested portions, see Cruz v. Chater, 990

F. Supp. 375, 376-78 (M.D. Pa. 1999), the court being in full agreement with Judge Carlson's analysis, and finding same to be thorough, well-reasoned, and fully supported by the record, and finding McBride's objections (Doc. 9) to be without merit¹ and squarely addressed by the report, it is hereby ORDERED that:

1. The report (Doc. 7) of Magistrate Judge Carlson is ADOPTED.
2. McBride's complaint (Doc. 1) is DISMISSED.
3. The Clerk of Court is directed to CLOSE this case.
4. Any appeal from this order is deemed to be frivolous and not taken in good faith. See 28 U.S.C. § 1915(a)(3).

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania

¹ McBride remonstrates that Judge Carlson erred by applying a two-year statute of limitations to her civil rights claims. (Doc. 9 at 2). She urges the court to apply a six-year limitations period, invoking 28 U.S.C. § 2501. (See id.) Section 2501, however, concerns claims within the jurisdiction of the United States Court of Federal Claims. See 28 U.S.C. § 2501 ("Every claim of which the United States Court of Federal Claims has jurisdiction shall be barred unless the petition thereon is filed within six years after such claim first accrues."). Hence, the statute does not apply in this case. We agree with Judge Carlson that McBride's civil rights claims are properly subject to a two-year statute of limitations. (Doc. 7 at 8-10). McBride's *allegata* concern incidents that occurred between March 2013 and June 2014. (See Doc. 1). Accordingly, her complaint filed July 19, 2017 is time-barred.